

under the common law, any person in England was entitled to follow the trade of innkeeper, as he was any other trade or calling, without license from the Crown; that by various temporary regulatory acts of the Maryland Assembly, the money from licenses had been in the past applied to various uses, but that in the several intervals between the expiration of former acts and the passage of new laws and, more specifically, since the expiration of the act of 1763, ordinaries in Maryland had only been subject to the common law; that as no Provincial act now vested the right to the fees in the Proprietary, the latter could only claim them under his charter, which, being silent as to this, could not be construed to give him a prerogative that the Crown did not possess under the common law in England. The opinion concluded by saying that if the Proprietary is entitled to these fees there must be some legal remedy open to him to compel innkeepers to obtain licenses from him, but that no such remedy is known to the committee or has ever been suggested to them. The Council thereupon unanimously adopted the report of the committee and in an address to the Governor, after saying that it was their opinion that as the fees were not of the prerogative of the Proprietary, it appeared that for him to insist upon the claim would only be productive of various general dissatisfactions. It was ordered that the report and addresses be recorded in the Proceedings of the Council but not in the Upper House journal. (*Arch. Md.* XXXIII, 143, 147). Thus forever ended the long standing dispute as to where lay the right to the fees from ordinaries, to be followed soon after by the passage of the regulatory bill and the vesting of the license fees in the public.

The bill regulating ordinaries as passed levied a license fee of £4 annually on inns and ordinaries and an equal amount on hawkers, peddlers, and petty chapmen. Rates for liquors and board were under the act to be fixed by the justices of the county courts. Licenses for coffee houses, where neither beds nor stabling was required, might also be granted, one to each of the following towns—Annapolis, Chester Town, Baltimore Town, and Frederick Town. Every inn was required to provide at least six feather beds and stabling for ten horses. No innkeeper might hold public office. There were special provisions for the sale of liquor at fairs and races. Servants and apprentices might not be served without the approval of their masters. No innkeeper might “game” in his own inn. These fees and fines were to be paid respectively to the treasurers of the Eastern and Western Shores, to be used as the Assembly might direct (pp. 473-480).

As has been said, at the 1768 Assembly the licensing of hawkers, peddlers and petty chapmen and the disposition of the license fees from them was also finally settled. The licensing and regulation of these peripatetic merchants had also been a matter of dispute between the Lord Proprietary, who claimed the fees under his prerogative, and the Lower House, which claimed them for the public. In 1754 a bill licensing hawkers and peddlers had been passed by the Lower House, to be rejected by the upper chamber. It was revived again at the 1766 sessions, to meet once more the same fate, not on account of the provisions of the bill, but because at recent sessions the Lower House had denied the right of the Upper House to make any changes in a money bill. At